

BOROUGH OF SOUTH TOMS RIVER
COUNCIL MEETING *minutes*
MONDAY, AUGUST 26, 2024 7:00 P.M.

MEETNG CALLED TO ORDER BY MAYOR

MOMENT OF SILENCE AND ALLEGIANCE TO THE FLAG

ROLL CALL

Present: Mayor Cradle, Councilman Fennell, Councilman Murray, Councilman Rolzhausen,
Councilman Ross

Absent: Councilwoman Mosley, Councilwoman Rolzhausen

Also present were Jeffrey Cheney, Dasti & Staiger, and Christopher Santiago, Business Administrator

OPEN PUBLIC LAW STATEMENT MEETING

This meeting is called pursuant to the provisions of the Open Public Meetings Law. NJSA 10:4-6. This meeting of August 26, 2024 was included in a list of meetings notice sent to the Asbury Park Press on November 27, 2023 and advertised in said newspaper and posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

OPEN PUBLIC SESSION

Councilman Murray made a motion to open the meeting to the public, seconded by Councilman Ross.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross

Nay: None

Absent: Councilwoman Mosley, Councilwoman Rolzhausen

The meeting is now open to the public. Members of the public are free to make statements to the Governing Body. Each participant is limited to three minutes per person. The Chair of the meeting will advise the speaker once their time is concluded.

Denise Davis spoke about the agreement between Lakeview Crossings and the Borough in regards to reimbursement for services such as trash pick up and snow removal. The Borough does not provide this service for Lakeview Crossing and there was an agreement for the Borough for reimbursement. There have been no payments for 2023 or 2024. According to Ms. Davis the contract was to be from 2015 through October, 2024. She would like a meeting with the Mayor, Council, and Borough Attorney. Mr. Cheney stated that his office and Lakeview Crossings attorney have been having conversations in reference to this and she should speak with their attorney.

Sharon Palumbo stated that she wasn't sure if the issue was with the Borough or the HOA of Lakeview Crossings about the contract. She has been having issues with getting the information from the HOA and believes that Ms. Davis is trying to make this a political point for the election in November. She wanted to know if contract was still in effect and when the last payment was made. She is paying the HOA for the same services she's paying taxes for while the Borough is not supplying those services.

Lenore Araujo stated that she is in support of the HOA and there should be more communication from the Borough. Per State Statute 40:67 23.2 through 23.8 that all municipalities are to provide services to the residents and also reimburse communities that do not receive such services from the municipality. She pays HOA fees and tazes and Lakeview Crossings receive no services from the town and should be reimburse. Mr. Santiago stated that the same statute also states that the reimbursement is to be only the amount that was paid to contract for these services.

James Leone asked about where the lapse in the contract happened. Mr. Santiago stated that in 2022 it was Tom Rabold who the Borough sent the contract and he has since left and then in 2024 the contract was again sent to Lori Walsh however, he never heard back from her. Mr. Leone stated that he had been in touch with the Attorney General's office and suggested the Borough work it out with Lakeview Crossings or there may be a possibility of a lawsuit.

Mr. Cheney stated that their attorney has already asked these questions and the Borough has answered.

Krista Whittaker stated that she was running for the South Toms River Board of Education. She had heard that Pine Beach was possibly looking to leave Toms River Schools and go to Berkeley Township. She does not like what the Toms River Board of Education is doing and is concerned that they might shut down the South Toms River Elementary School. She asked if the Borough would consider purchasing the school or going with the Berkeley Township. Councilman Ross stated that both topics were under discussion.

CLOSE PUBLIC SESSION

Councilman Rolzhausen made a motion to close the meeting to the public, seconded by Councilman Ross.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

APPROVAL OF MINUTES FROM JULY 22, 2024

Councilman Fennell made a motion to approve the minutes from July 22, 2024, seconded by Councilman Ross.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

ORDINANCE 2024-11 (First Reading by title only) AMENDING AND SUPPLEMENTING CHAPTER 15-1 OF THE BOROUGH CODE ENTITLED "EXCAVATIONS IN STREETS"

Public hearing will be held on September 9, 2024

Councilman Rolzhausen made a motion to introduce Ordinance 2024-11, seconded by Councilman Murray.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

ORDINANCE 2024-12 (First Reading by title only) ORDINANCE PROVIDING FUNDING FOR THE PURCHASE OF A MODEL 600 SWEEPER FOR THE BOROUGH OF SOUTH TOMS RIVER AND APPROPRIATING \$30,000 FOR SUCH PURPOSE

Public hearing will be held on September 9, 2024

Councilman Rolzhausen made a motion to introduce Ordinance 2024-12, seconded by Councilman Murray. Mayor Cradle stated that the Borough was able to purchase this sweeper through a grant and shared services with the Borough of Beachwood.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

OPEN PUBLIC SESSION BILLS

Councilman Ross made a motion to open the meeting to the public for questions about the bills, seconded by Councilman Murray.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

There was no public comment.

CLOSE PUBLIC SESSION BILLS

Councilman Ross made a motion to close the meeting to public for questions about the bills, seconded by Councilman Rolzhausen.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

APPROVAL OF BILL LIST FOR THE MONTH OF AUGUST 2024

Councilman Ross made a motion to approve the bills, seconded by Councilman Rolzhausen.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

UNFINISHED BUSINESS

None

NEW BUSINESS

Memorandum of understanding between the County of Ocean and the Borough of South Toms River for utilization of the Ocean County Sheriff's Law enforcement training facility for firearms training and qualification by the South Toms River Police Department Employees. Mayor Cradle stated that this would be a secondary firearms training facility and the Police Department would also continue using the one they currently use.

Discussion on the Borough Van in Municipal parking lot. Mr. Santiago suggest the Borough give it to Code Blue. The Mayor and Council were in favor of doing this.

Land Use Board is recommending correcting several inconsistencies with the Borough of South Toms River Zoning Map. Mr. Serdinsky, South Toms Land Use Board, presented the Land Use Board findings of their review of the Zoning Map in which they found some discrepancies. The following is what Mr. Serdinsky went over:

Townhouse Development: Should be designated a T and not R-15 as currently depicted on the Zone Map (formerly revised by Maser Consulting, July 2013).

Currently Block 8.04 Lot 1, Lots 1.101, 1.102, 1.103, 1.104, 1.201, 1.202, 1.203, 1.301, 1.302, 1.303, 1.304, 1.401, 1.402, 1.403, 1.404, 1.405, 1.406, 1.501, 1.502, 1.503, 1.504, 1.505, 1.506 - AKA Lakeview Condominiums at the south east corner of Mill St. and Dover Rd.

The properties in Block 7 Lots 1, 2.01, 3, 4, 5, and 6.01 are mislabeled on the Zone Map of July 2013. These properties are currently in the in the T Zone (Townhouse) but should be in the "M-U" (Mixed Use) Zone. The existing uses are as follows: Lot 1 Auto repair and Parrot Trucking, Lot 2.01 boat and boat storage, AKA former Larsen Sheet Metal (includes Lots 3 & 4), Lot 5 pre-existing/non-conforming residence, and Lot 6.01 which is Shoreline Refrigeration and Air Conditioning Repair Service.

Block 8, Lots 1, 2, 8 are R-15 on the current map but the zone limit is missing on the Zone Map as these properties adjoin the Townhouse Development.

Block 12, Lots 26, 27, 28, 29, 30, 31, 32, and 37 are currently listed on the Tax Map as Zone R-10 but should be in the SED Zone as they are commercial and abuts Block 12, Lots 39, 40, and 41 which are in the SED Zone.

The Mayor and Council were in approval of the changes. Mr. Cheney will have his office draft an ordinance.

South Toms River Youth Baseball League requesting to hold a Coin Toss on Saturday September 21, 2024 with a rain date October 5, 2024 from 10am to 4pm at Dover Road and Double Trouble Road. County of Ocean approval will be requested after approval from Borough of South Toms River.

Councilman Ross made a motion to approve the coin toss, seconded by Councilman Murray.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

Councilman Fennell spoke about putting a Veterans Only parking sign at Borough Hall. The Borough of Beachwood has one and he thinks it's a good idea. The Mayor and Council were in agreement.

OPEN 2ND PUBLIC SESSION

Councilman Ross made a motion to open the meeting to the public, seconded by Councilman Rolzhausen.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

The meeting is now open to the public. Members of the public are free to make statements to the Governing Body. Each participant is limited to three minutes per person. The Chair of the meeting will advise the speaker once their time is concluded.

Carlos Almazar stated that he wanted more transparency with Mayor and Council.

CLOSE 2ND PUBLIC SESSION

Councilman Murray made a motion to close the meeting to the public, seconded by Councilman Ross.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross
Nay: None
Absent: Councilwoman Mosley, Councilwoman Rolzhausen

CONSENT AGENDA

All matters listed below are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by the governing body, that particular item will be removed from the Consent Agenda and will be considered separately.

Resolution 2024-123 Refund for deposit paid for the Recreational Center

Resolution 2024-124 Authorizing Serpico Pyrotechnics LLC to conduct Fireworks event at Mathis Plaza on September 28, 2024

Resolution 2024-125 Refund of an OPRA request payment

Resolution 2024-126 Request Chapter 159 Budget Insertion Local Efficiency Achievement Program Grant

Resolution 2024-127 Approval of Revocation of Mercantile License

Resolution 2024-128 Supporting the Ocean County Meals on Wheels Program

Resolution 2024-129 Adjustment Refund tax overpayment B21.20 L9

Resolution 2024-130 Authorize professional services contract with Noel Muial of the Musial Group for architecture services for the recreation center HVAC system

Councilman Ross requested that Resolution 2024-130 be removed from the consent agenda.

Councilman Fennell made a motion to approve the consent agenda, seconded by Councilman Ross.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross

Nay: None

Absent: Councilwoman Mosley, Councilwoman Rolzhausen

Resolution 2024-130 Authorize professional services contract with Noel Muial of the Musial Group for architecture services for the recreation center HVAC system. Councilman Ross stated that this had been presented and approved by Finance and they are recommending using the Musial Group.

Councilman Ross made a motion to approve Resolution 2024-130, seconded by Councilman Murray.

Aye: Councilman Fennell, Councilman Murray, Councilman Rolzhausen, Councilman Ross

Nay: None

Absent: Councilwoman Mosley, Councilwoman Rolzhausen

MONTHLY REPORTS

Mayor Cradle – See attached

Councilman Murray – Met with police, finance meeting, negotiations with the DPW, attended National Night Out and the backpack give away. Kayla did a good job getting vendors and thanked everyone who came.

Councilman Rolzhausen – Attended the recreation meeting and filled backpacks. Attended the Social Leaf event, cannoli with a cop at Luigi's, National Night Out, summer camp BBQ, and family fun day.

He has addressed recycling issues with residents who aren't sure of the rules since if the County does spot checks, it could cost the Borough a lot of money. He attended the Land Use Board meeting. The Borough will be holding the Halloween Contest again this year.

Councilman Fennell – The basins in town were cleaned, all Borough parks were maintained, graffiti was removed from the Brook Forest playground, DPW check the fire extinguishers at DPW and Borough Hall.

Councilman Ross – Negotiation committees have been meeting for contacts that are coming up for renewal. The HVAC at the Recreation Building is going to be paid for by State and Federal Funding. Summer camp went well and they had 66 campers and went on 14 day trips. He thanked the volunteers who helped with the backpacks and Family Fun Day.

EXECUTIVE SESSION

WHEREAS, the Mayor and Council of the Borough of South Toms River have determined to enter in to closed session in accordance with the provisions of NJSA 10:4-12b - Any pending, ongoing or anticipated litigation or contract negotiation, including attorney-client privilege. The public will be informed of the discussion within forty-five days of the conclusion (NJSA 10:413)

Councilman Ross made a motion to enter into executive session and adjourn the meeting, seconded by Councilman Rolzhausen.

ADJOURNMENT

Jamie Juba

TIME: 8:10 pm